

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHN DOE, by and through his )  
next friend LINDA HOUSEKNECHT, )  
Plaintiff, )  
vs. ) Case No. 4:20 CV 273 JMB  
GREATER ST. LOUIS AREA COUNCIL, )  
BOY SCOUTS OF AMERICA, INC., et al., )  
Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court on the Notice of Entry of Order of Order Approving Fifth Stipulation by and among the Boy Scouts of America, the Official Committee of Survivors of Abuse and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(A) and 362 and Further Extending the Termination Date of the Standstill Period ("Notice of Entry of Order ... Further Extending the Termination Date of the Standstill Period"). (ECF No. 30)

On March 21, 2019, Plaintiff John Doe ("Plaintiff") originally filed this personal injury tort action against Defendants Greater St. Louis Area Council, Boy Scouts of America, Inc. ("GSLAC"), Boy Scouts of America ("BSA"), and Samuel Christian Carleton ("Carleton") in the Circuit Court of St. Francois County, Missouri. All three Defendants have been served and have filed an Entry of Appearance. (ECF Nos. 6-8)

The Petition alleges that Plaintiff, as a minor, was working as an Aquatics/Troop Counselor for GSLAC and BSA and was the victim of sexual assaults by Carleton. Carleton, as the Aquatic Director, held a position of authority over Plaintiff, and GSLAC and BSA are responsible for the

actions of Carleton committed while in the course and scope of his employment. (ECF No. 1-3) The Petition consists of four state law claims, alleging that BSA and GSLAC are liable in connection with certain personal injury torts (Count I - Agency, Count II - Negligence, Count III – Assault and Battery, and Count IV – Punitive Damages), stemming from the abuse Plaintiff suffered. On February 18, 2020, all three Defendants filed separate Answers. (ECF Nos. 6-8)

BSA filed its Notice of Removal<sup>1</sup> removing the instant action to this Court pursuant to 28 U.S.C. §§ 1334 and 1452(a) and Rule 9027 of the Federal Rules of Bankruptcy Procedure, arguing that this action is related to the Bankruptcy Case, and that Plaintiff's Petition arises in or arises under the Bankruptcy Case. (ECF No. 1) "The Action is one of more than 290 similar civil actions currently pending in state and federal courts across the country that assert personal injury tort claims against BSA and various non-debtor co-defendants arising from the alleged abuse of a former youth or adult member of the BSA either by an adult scouting leader, an adult volunteer, or by another youth member (such cases and claims together, the 'Pending Abuse Actions')." (ECF No. 1 at 2, ¶ 2)

On that same date, BSA filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Delaware ("Bankruptcy Case"). See In re Boy Scouts of America, Lead Case No. 20-10343 (Bankr. D. Del. Feb. 18, 2020). As a result, certain personal injury actions against BSA, including the instant case, were stayed under the automatic stay provision of 11 U.S.C. § 362(a). Additional consent orders continued to stay this instant action through May 18, June 8, and November 20, 2020, March 23, and July 25, 2021. (ECF Nos. 16, 18, 27, 28)

In the Notice of Entry of Order ... Further Extending the Termination Date of the Standstill Period, BSA reports that the Debtors filed the Third Amended Chapter 11 Plan of Reorganization

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<sup>1</sup> Neither GSLAC nor Carleton joined in the removal petition.

for Boy Scouts of America and Delaware BSA, LLC ("Plan") (ECF No. 30-1), and that the Bankruptcy Court for the District of Delaware entered an order on July 21, 2021, "further extending the stay of proceedings in this action ... up to and including the date of the first omnibus hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan, subject to further extension by the Bankruptcy Court." (ECF No. 30 at \*2) (internal footnote omitted). Accordingly,

**IT IS HEREBY ORDERED** that the instant action is stayed until the date of the first omnibus hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan.

**IT IS FURTHER ORDERED** all proceedings against BSA and GSLAC are hereby stayed pending the resolution of the bankruptcy proceedings filed by BSA or further order from this Court. The parties shall file a joint status report on September 27, 2021, and every ninety days thereafter regarding the status of the bankruptcy proceedings in In re Boy Scouts of America, Lead Case No. 20-10343 (Bankr. D. Del. Feb. 18, 2020).

/s/ *John M. Bodenhausen*  
JOHN M. BODENHAUSEN  
UNITED STATES MAGISTRATE JUDGE

Dated this 27th day of July, 2021.